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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,509	02/11/2002	Paul A. Maltseff	480062.643D1	6046
500	7590	10/03/2006	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC			CUFF, MICHAEL A	
701 FIFTH AVE			ART UNIT	
SUITE 6300			PAPER NUMBER	
SEATTLE, WA 98104-7092			3627	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,509

Applicant(s)

MALTSEFF, PAUL A.

Examiner

Michael Cuff

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14,15,17-21 and 23-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 14,15,17-21 and 23-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-15, 17-21, and 23-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon (US patent 6,701,304, effective filing date 7/22/1998) in view of Circular 17 and Reynolds.

Leon shows all of the limitations of the claims except for specifying tax information on the data structure and affixing the memory device in a location to damage it upon opening.

Leon shows a method and apparatus for postage label authentication. The invention provides human-readable and machine-readable portion in a postage label (physically associated with a package). The data and symbology readers provide the information to a computer. The computer receives information from the readers and provides a status signal that indicates whether the postage label is authentic. (column 3, lines 5-7) In one embodiment (column 11, lines 10-21), the machine-readable portion is an RFID device (wireless memory tag, machine readable structure) as shown in US patent 5,497,140 (Tuttle, incorporated by reference), which has a memory 86 (data storage) containing owner's name, ID number, point of origin (origin identifier), weight, size, route, destination, and the like. From column 3, the IC transceiver chip 24 will

preferably be connected to a dipole antenna consisting of thin film antenna strips 26 and 28, and the dipole antenna 26 and 28 is operative to both transmit RF signals from the IC chip 24 to a controller and to receive incoming RF signals from an external RF source controller and operative to encode (need a code to access) this data in IC chip memory in a manner more particularly described below with reference to FIG. 6. (column 6, lines 20-21 of Tuttle). Column 6, lines 36-38 (Leon), indicates that the printers are capable printing other information such as address label, tax stamp (includes tax information, tax stamps are destroyed when package is open [references Erb, Steiger and Coursaut are provided as evidence of inherency]), secured ticket, money order and the like.

Leon is silent to what information would be on the machine-readable portions of the alternative embodiments of the address label, tax stamp, secured ticket, money order and the like.

Inspection circular 17 requires remedies to be registered, labeled and show a payment of tax (tax stamp). Page 5 shows required information. Item 1a requires a manufacturer identifier and item 1d requires a product type identifier. This information is necessary to show compliance with the law.

Based on the inspection circular teaching, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Leon tax stamp embodiment to incorporate specific information such as a manufacturer identifier and a product type identifier on the machine-readable portion in order to show compliance with the law.

Leon is also silent as to damaging the IC chip upon opening the package.

Reynolds teaches, column 1, lines 30-35, the federal revenue stamp will be mutilated as is required by federal laws in connection with taxed packages where tax stamps are applied thereto. This is done to prevent fraud.

Based on the teaching of Reynolds, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Leon tax stamp embodiment to position the IC chip near the tax stamp so that it is also damaged upon opening the package in order to be compliant with the law and to prevent fraud.

Response to Arguments

Applicant's arguments filed 8/9/06 have been fully considered but they are not persuasive.

Applicant asserts that Leon's tax stamp does not include manufacturer and product type identifiers. This is a moot argument because the examiner did not assert this in the rejection. The rejection specifically states that Leon is silent to what information would be on the machine-readable portions of the alternative embodiments of the address label, tax stamp, secured ticket, money order and the like. The examiner presents the information, including manufacturer and product type identifiers, taught by circular 17 that would be obvious to incorporate into the data structure tax stamp embodiment of the Leon system.

Applicant asserts that there is no motivation to modify Leon's tax stamp to include manufacturer and product type identifiers. The examiner does not concur.

Compliance with the law is a very strong motivation. Since Leon is silent to the information content for a tax stamp, it would appear that complying with the law would be an obvious step.

Applicant asserts that Circular 17 does not provide manufacturer and product type identifiers in a data structure that stores tax information. This is a moot argument because the examiner did not assert this in the rejection. The rejection states that the data structure is being taught by Leon, not circular 17. Circular 17 is being used only to teach what information would be obvious to put in/on the data structure of Leon.

Applicant asserts that Tuttle does not disclose manufacturer and product type identifiers. This is a moot argument because the examiner did not assert this in the rejection. Tuttle is part of the Leon disclosure, incorporated by reference, showing a data structure.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 9/28/06
Michael Cuff
September 28, 2006